

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI,
WESTERN DIVISION

UNITED STATES OF AMERICA

VERSUS

CRIMINAL ACTION NO. 5:08cr10-DCB-JCS

LUTHER M. VINE

DEFENDANT

ORDER

This cause is before the Court on the Motion of the United States to Bifurcate Guilt and Forfeiture Issues at Trial [**docket entry no. 16**] and the Government's Motion to Dismiss Count 2 [**docket entry no. 17**]. Having carefully considered the Motions, applicable statutory and case law, and being otherwise fully advised in the premises, the Court finds and orders as follows:

On March 19, 2008, the defendant Luther M. Vine ("Vine") was indicted under 18 U.S.C. §§ 922(g)(1) and 924(a)(2) for being a convicted felon in knowing possession of ammunition. Additionally, the government sought forfeiture under 18 U.S.C. § 924(d)(1) of several firearms and ammunition.

Trial in the case is set for September 23, 2008. On the morning of September 15, 2008, the Government filed a Motion to Bifurcate the Guilt and Forfeiture Issues at Trial. Later the same day, the Government filed a Motion to Dismiss Count 2 of the indictment, which pertains to the forfeiture issue. The Court finds the Government's Motion to Dismiss Count 2 to be well-taken. Accordingly,

IT IS HEREBY ORDERED that Government's Motion to Dismiss Count 2 [docket entry no. 17] is **GRANTED**.

IT IS FURTHER ORDERED that the Motion of the United States to Bifurcate Guilt and Forfeiture Issues at Trial [docket entry no. 16] is **DENIED AS MOOT**.

SO ORDERED, this the 15th day of September 2008.

s/ David Bramlette

UNITED STATES DISTRICT JUDGE